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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

5 CHRISTOPHER BRADY HOWARD,

6 Plaintiff,

7 v.

8 STATE OF WASHINGTON,
9 WASHINGTON STATE PATROL,
10 DEPARTMENT OF CORRECTIONS, and,
GRANT COUNTY SHERIFF'S OFFICE,

11 Defendants.

No. C11-5856 RBL/KLS

REPORT AND RECOMMENDATION
Noted For: March 30, 2012

12 This civil rights action has been referred to the undersigned United States Magistrate
13 Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4.

14 It has been more than sixty days since the Court's latest mailings to Plaintiff were
15 returned and the Court does not have a current address for the Plaintiff. Therefore, the
16 undersigned recommends that the Court dismiss this action as Plaintiff appears to have
17 abandoned his case.

18
19 **DISCUSSION**

20 Plaintiff filed his complaint and application to proceed *in forma pauperis* in this matter
21 on October 14, 2011. ECF No. 1. On November 18, 2011, the Plaintiff was granted leave to
22 proceed *informa pauperis* and the Clerk docketed his civil rights complaint. ECF Nos. 4 and 5.
23 Upon review of the complaint, however, the Court found several deficiencies and declined to
24 serve the complaint. The Court ordered Plaintiff to amend his complaint or to show cause why
25 the complaint should not be dismissed for failure to state a claim. ECF No. 8. That Order was
26 mailed to Plaintiff at his last known address at the Washington State Penitentiary in Walla Walla,

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1 Washington. *Id.* The mail was returned to the Court on December 12, 2011 as undeliverable
2 “returned as not at WSP or at the forwarding address in Everett”. *See* Clerk’s notation at ECF
3 No. 9.

4 Plaintiff has not notified the court of his current address. Local Rule 41(b)(2) states:

5 A party proceeding pro se shall keep the court and opposing parties advised as to
6 his current address. If mail directed to a pro-se plaintiff by the clerk is returned
7 by the post office, and if such plaintiff fails to notify the court and opposing
8 parties within sixty days thereafter of his current address, the court may dismiss
the action without prejudice for failure to prosecute.

9 This action has existed more than sixty days without a current address for the Plaintiff.
10 Dismissal without prejudice for failure to prosecute is appropriate. Accordingly, the undersigned
11 recommends **DISMISSAL WITHOUT PREJUDICE** for failure to prosecute pursuant to Local
12 Rule 41(b)(2).

13 CONCLUSION

14 The Court should dismiss this action without prejudice as Plaintiff has left no forwarding
15 address and appears to have abandoned the case.

16 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
17 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
18 objections. *See also* Fed. R.Civ.P. 6. Failure to file objections will result in a waiver of those
19 objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the
20 time limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on
21 **March 30, 2012**, as noted in the caption.

22 **DATED** this 9th day of March, 2012.

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25 
26 Karen L. Strombom
United States Magistrate Judge